

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EVERYTOWN FOR GUN SAFETY
ACTION FUND, INC.,

Plaintiff,

- against -

ODYSEE USER THEGATALOG-
PRINTABLEMAGAZINES,

Defendant.

**DEFAULT JUDGMENT
AND PERMANENT
INJUNCTION ORDER**

21 Civ. 8704 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS the Complaint in this case was filed on October 22, 2021 (Dkt. No. 1);

WHEREAS on November 5, 2021, this Court issued an Order to Show Cause why a preliminary injunction should not issue (Dkt. No. 28);

WHEREAS Plaintiff served the Summons, Complaint, Order to Show Cause, all supporting papers, and the Court's scheduling orders on Defendant by April 25, 2022, in accordance with the order authorizing alternative service (Dkt. No. 88);

WHEREAS the Amended Complaint in this case was filed on May 2, 2022 (Dkt. No. 89);

WHEREAS Plaintiff served the Amended Complaint on Defendant Odysee User TheGatalog-PrintableMagazines ("Gatalog") by May 5, 2022, in accordance with the order authorizing alternative service (Dkt. No. 90);

WHEREAS Gatalog has not filed an answer, responded to the Complaint, or appeared in this action;

WHEREAS on April 5, 2023, Plaintiff obtained a certificate of default against Gatalog (Dkt. No. 76);

WHEREAS on June 2, 2023, Plaintiff moved for a default judgment as to Gatalog (Dkt. No. 180);

WHEREAS on September 27, 2023, this Court entered an Order to Show Cause, which directed that Gatalog be served the order by September 29, 2023, that Gatalog's opposition papers be filed by October 4, 2023, and a show cause hearing take place on October 11, 2023 (Dkt. No. 184);

WHEREAS an affidavit of service was filed by Plaintiff on October 4, 2023, stating that Plaintiff had served Gatalog with the Order to Show Cause and supporting papers on September 27, 2023 (Dkt. No. 189); and

WHEREAS Gatalog has filed no opposition to Plaintiff's motion for a default judgment and did not appear at the October 11, 2023 hearing;

It is hereby ORDERED that default judgment is entered against Defendant Gatalog.

It is further ORDERED that

- A. Defendant Odysee User the Gatalog-PrintableMagazines and its officers, agents, servants, employees, and attorneys, and all those in active concert or participation with it, who receive actual notice of this Order by personal service or otherwise (the "Gatalog Enjoined Parties"), are anywhere in the world from directly or indirectly:
 1. Advertising, promoting, offering to sell, selling and/or distributing downloadable files for the manufacture of 3-D printed guns, gun parts and/or accessories, or any similar product, bearing the Everytown Marks¹, any colorable imitation of the Everytown Marks, or any term or mark confusingly similar thereto, likely to cause consumer confusion as to the source of the product or relationship between the parties, or likely to cause dilution of the distinctiveness of the Everytown Marks or injury to the

¹ Defined as within **Exhibit A** to this order.

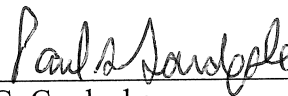
business reputation of Plaintiff Everytown or any of its affiliates; and

2. From representing by any means whatsoever that the Enjoined Parties, or any products or services offered by the Enjoined Parties, including Infringing Product listings provided via the Internet, are associated in any way with Plaintiff or its products or services, and from taking any other action likely to cause confusion or mistake on the part of Internet users or consumers;
 3. Representing that the Enjoined Parties are affiliated with Everytown, or that any goods or services offered, advertised, promoted, sold or are otherwise distributed by the Enjoined Parties are offered by, sponsored by, or affiliated with Everytown, when they are not;
 4. Attempting, encouraging, enabling, facilitating, profiting from, causing, or assisting in any of the above-described acts, including but not limited to enabling others in the above-described acts, or providing information or means to others to allow them to do so; and
 5. Forming or causing to be formed any corporation or other entity that engages in the above-described acts.
- B. Without limiting the foregoing, the prohibited acts set forth in Paragraph A include, but are not limited to, the Enjoined Parties individually, jointly, and/or through any entity or person, controlled by and/or affiliated with them, doing any of the following:
1. Advertising, promoting, offering to sell, selling, or distributing, the Infringing Product known as “Everytown’ 3D Printable AR1 5 221r Magazine” ([https://odysee.com/\(TheGatalog-PrintableMagazines:6/everytown-cmmg-221r-mag25round:f\)](https://odysee.com/(TheGatalog-PrintableMagazines:6/everytown-cmmg-221r-mag25round:f)));
 2. Advertising, promoting, offering to sell, selling, or distributing any firearm, firearm part, or firearm accessory bearing the Everytown Marks or any colorable imitation thereof or any trademark that is likely to cause confusion with any of the Everytown Marks; and
 3. Representing to the public that any product, including but not limited to, any Infringing Products, firearm, firearm parts, or firearm accessories, were designed or otherwise created by the Defendants on behalf of Everytown.
- C. Violation of any or all of the foregoing provisions shall be punishable by contempt of court, and such other, further relief this Court deems just and proper. As detailed in this Court’s previous November 5, 2021 Order, the Plaintiff is

permitted to serve this Order on Gatalog via electronic means.

Dated: New York, New York
November 17, 2023

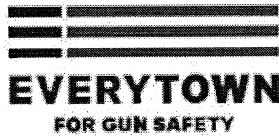

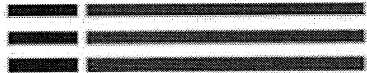

SO ORDERED.

A handwritten signature in black ink, appearing to read "Paul G. Gardephe", written over a horizontal line.

Paul G. Gardephe
United States District Judge

EXHIBIT A

The Everytown Marks consist of the following U.S. Trademark Registration registered with the United States Patent & Trademark Office and any associated common law rights thereto.

	U.S. Registration No. and/or Serial No.	Trademark
1	5142124	EVERYTOWN
2	5092082	EVERYTOWN
3	5223511	EVERYTOWN FOR GUN SAFETY ACTION FUND
4	5142128	EVERYTOWN FOR GUN SAFETY SUPPORT FUND
5	4569205	MOMS DEMAND ACTION
6	5092084	MOMS DEMAND ACTION
7	5142125	
8	5142126	
9	5092083	
10	6213804	
11	5151549	